



**Agricultural Commission
Staff Report**

Date: September 06, 2023
To: El Dorado County Agricultural Commission
From: LeeAnne Mila; Deputy Agricultural Commissioner
Subject: **CCUP22-0003/Landrace Commercial Cannabis Cultivation
Commercial Cannabis Use Permit
Assessor's Parcel Number: 088-021-043**

Planning Request and Project Description:

Planning Services is processing the attached application for a Commercial Cannabis Use Permit and requests the project be placed on the Agricultural Commission's Agenda. Section 130.41.200.5.N of the Zoning Ordinance states "Recommendation of the Agricultural Commission. An application for a Commercial Cannabis Use Permit for outdoor or mixed-light cultivation must be reviewed by the Agricultural Commission and the recommendation of the Agricultural Commission, including any suggested conditions or restrictions, shall be forwarded to and considered by the Planning Commission."

The applicants are requesting the following:

Commercial Cannabis Use Permit for the cultivation of commercial cannabis located at 5700 Hackomiller Rd. Somerset -APN: 088-021-043, within Board of Supervisor District 4. The project is located on a 61.54-acre parcel zoned Agricultural Grazing 40-Acres (AG-40) within an Agricultural district. This application is for 75,000 square feet of outdoor cannabis cultivation and processing for distribution over three phases. Phase 1 would encompass 30,000 sq ft of canopy space, Phase 2 will consist of 60,000 sq ft of canopy space and Phase 3 will consist of 75,000 sq ft. It is anticipated the operation will employ up to 7 full-time employees and up to 20 seasonal employees. The project site is surrounded on all sides by parcels within an Agricultural district. Properties to the south are zoned AG-40, to the east Planned Agricultural 20-Acres (PA-20) and to the north and west Rural Lands 10-Acres (RL-10) and Rural Lands 20-Acres (RL-20).

Parcel Description:

- Parcel Number and Acreage: 088-021-043, 61.54 Acres
- Agricultural District: Yes
- Land Use Designation: Agricultural Lands, AL
- Zoning: AG-40 (Agricultural Grazing – 40 acres)
- Choice Soils:
 - BpC: Boomer-sites Loams 9 To 15 % SlopesAgricultural Preserve
 - SkC: Sites Loam 9 To 15 % Slopes
 - JtC: Josephine Silt Loam 5 To 15 % Slopes

Discussion:

A site visit was conducted on Aug 2023.

Staff Findings :

Staff believes that there will be no impact on agriculture based on the following analysis of relevant General Plan policies and County design thresholds for Commercial Cannabis.

Relevant General Plan Policies:

2.2.2.2

The purpose of the Agricultural District (-A) overlay designation is to identify the general areas which contain the majority of the County’s federally designated prime, State designated unique or important, or County designated locally important soils (collectively referred to as “choice” agricultural soils) and which the Board of Supervisors has determined should be preserved primarily for agricultural uses. This designation does not imply any restrictions on agricultural uses in areas not designated specifically as an Agricultural District but only serves to identify agriculture as the principal activity and to discourage incompatible uses such as higher density residential use.

- A. Agricultural Districts shall be used to conserve and protect important agricultural crop lands and associated activities, maintain viable agricultural-based communities, and encourage expansion of agricultural activities and production.

In regards to Policy 2.2.2.2: No crops will be removed, so the principal activity on this parcel will remain agriculture. New crops will be added, increasing crop production on this parcel.

8.1.3.5

On any parcel 10 acres or larger identified as having an existing or potential agricultural Use, the Agricultural Commission must consider and provide a recommendation on the Agricultural use (except for parcels assigned urban or other non-agricultural uses by the land use map for the 1996 General Plan) or potential of that parcel and whether the request will diminish or impair the existing or potential use prior to any discretionary permit being approved.

In regards to Policy 8.1.3.5: The parcel at this time is being used for grazing cattle. The area for which the cannabis operation is proposed is in a non-grazed area, near the secondary dwelling. The applicant is proposing to expand agricultural production on this property, by branching out into crop production. Based on the applicants feedback this operation will not diminish or impair the parcels agricultural use.

Setbacks:

Section 130.41.200.5.C requires that outdoor or mixed-light cultivation of commercial cannabis shall be setback a minimum of 800 feet from the property line of the site or public right-of-way and shall be located at least 300 feet from the upland extent of the riparian vegetation of any watercourse.

The project cultivation area is 125 feet from the eastern property line, 320 feet from the western property line, 298 feet from the northern property line, 1,438 feet from the southern property line, and at least 300 feet from the upland extent of the riparian vegetation of any watercourse (Exhibit H). While the project does not meet the 800 foot setback to the north, east and west, Section 130.41.100.C of the El Dorado County Zoning Ordinance allows for any setback to be reduced for a commercial cannabis activity in a CCUP, so long as the applicant demonstrates that the actual setback will substantially achieve the purpose of the required setback and that the parcel was owned or leased by the applicant before voter approval of the ordinance from which this Cannabis Section is derived on November 6, 2018. An odor study (Exhibit L) was prepared demonstrating that the proposed project would not exceed the seven (7) dilution threshold (DT) at all property lines. Individual plants would not be viewable from adjacent properties due to the cultivation occurring within enclosed hoop houses. All lighting would be fully shielded and downward facing. Security lighting would be motion activated. The project applicant took ownership of the subject property in 2013 prior to the voter approval of the Cannabis Ordinance in 2018. There would be no public sales or consumption onsite. The proposed setback will substantially achieve the purpose of the required setback. With a reduction of the setbacks the project would comply with this section.

Current Staff Findings:

Staff finds that the proposal is consistent with the requirements for a compatible use on pre-existing Williamson Act contract as outline in resolution 139-2022, as defined below.

4. Compatible Uses

A. Uses approved on contracted lands shall be consistent with Government Code Section 51238.1 principles of compatibility, as it now reads or may thereafter be amended.

(1) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.

The cannabis cultivation will not effect the long-term productive agricultural capability as it will be planted in areas in areas not currently being used for production, adjacent to a residential buildings and out buildings.

(2) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.

No crops will be removed to conduct the cannabis cultivation. The parcel will continue to have additional areas that are capable of additional crop plantings in the future.

(3) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.

The cultivation of cannabis will not result in the significant removal of adjacent contracted land for agricultural use as it is plant cultivation and will not contribute to urban pressures to remove land from contract.

(4) The use does not include a residential subdivision.

The proposed use will not result in a residential subdivision on the property.

B. Commercial Cannabis Cultivation on a parcel that has a pre-existing Williamson Act contract is a compatible use if all the following requirements are met:

a. Commercial cannabis cultivation shall not be used to qualify a parcel for a Williamson Act Contract.

The contract requirements are being met by the existing agricultural operation and no loss of existing grazing area is planned. Commercial cannabis will in no way be used to qualify for the Williamson Act Contract.

b. The commercial cultivation of cannabis in compliance with all other laws, including Division 10 of the Business and Professions Code and EDC Ordinance Code Chapter 130.42.

The commercial cannabis operation will be in compliance with all State and local laws and regulations.

c. The contracted parcel that is proposing to be used to cultivate commercial cannabis continues to meet the County of El Dorado's criteria for establishing an agricultural preserve in this Resolution and El Dorado County Zoning Ordinance Code Section 130.40.060.

The applicant will continue to meet the Williamson Act Contract requirements with his existing agricultural operation.

d. The Agricultural Commission reviews the application for a Commercial Cannabis Use Permit for outdoor or mixed-light cultivation to determine whether it qualifies for the above standards.

The Agricultural Commission is currently reviewing for compatibility.



The County of El Dorado

AGRICULTURAL COMMISSION

311 Fair Lane
Placerville, CA 95667-4197

Phone (530) 621-5520
Fax (530) 626-4756

Greg Boeger, Chair- Agricultural Processing Industry
David Bolster, Vice Chair - Fruit and Nut Farming Industries
Lloyd Walker - Other Agricultural Interest
Shamarie Tong- Livestock Industry
Bill Draper- Forestry Related Industries
Chuck Mansfield- Fruit and Nut Farming Industries
Tim Neilsen- Livestock Industry

MEETING NOTIFICATION

The El Dorado County Agricultural Commission has been requested to review a project application for a parcel that is located in the proximity of your property. It is the customary business practice for this Commission to notify all parcels located within 1,000 feet of the subject parcel's boundary lines. Please note that the requested project may or may not affect your property.

The project listed below will be heard by the El Dorado County Agricultural Commission on **September 13, 2023**. This meeting is a public hearing that will begin at **4:00 pm in the Building A Board of Supervisors Hearing Room 330 Fair Lane, Placerville, California.** This will also be a Zoom meeting. The link information to join the zoom meeting will be available on the county Legistar calendar at this website: <https://eldorado.legistar.com/Calendar.aspx> under Ag Commission Meetings for 09/13/2023 and will be posted with the Agenda on September 8, 2023.

Planning Request and Project Description:

RE: CCUP22-0003/Landrace Commercial Cannabis Cultivation
Commercial Cannabis Use Permit
Assessor's Parcel Number: 088-021-043

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The Agricultural Commission is an advisory body to and for the Board of Supervisors and Planning Commission on all matters pertaining to agriculture. The Agricultural Commission reviews and makes recommendations only on the agricultural element of the project. *****Please note that the exception to this is a "Request for Administrative Relief from an Agricultural Setback" which is processed solely through the El Dorado County Department of Agriculture with the Agricultural Commission's decision being able to be appealed to the El Dorado County Board of Supervisors.***

All interested parties for the above-mentioned project are encouraged to attend this meeting. Public testimony will be received on each agenda item as it is called. Individual comments are limited to 3 minutes; and individuals representing a group are allocated 5 minutes.

If you wish to view the meeting agenda in its entirety, please go to following website: <https://eldorado.legistar.com/Calendar.aspx>. The agenda is also posted in the lobby of the Bethell-Delfino Agriculture Building located at 311 Fair Lane, Placerville, California. A copy of the project's submitted documents may also be reviewed at this location.

If you have any questions regarding this meeting, please contact the Clerk to the Agricultural Commission at (530) 621-6647. All questions relating to specific details of the project should be addressed to the Planner Evan Mattes Senior Planner at Planning Services, (530) 621-5355.

ANDERSON ERIC SR & KRISTINE
5305 HACKOMILLER RD
GARDEN VALLEY CA 95633-9401

BOXALL ALLEN R JR
928 LAWTON AVE
ROSEVILLE CA 95678

CLARK TR & MCCARLEY CE TRUST
8/11/2016
5695 HACKOMILLER ROAD
GARDEN VALLEY CA 95633

COSTA ABIGAIL & STEVEN II
5799 HACKOMILLER RD
GARDEN VALLEY CA 95633-9213

DODGE LARRY D TR & LD EXEMT TR
10/06/78
7012 NEPTUNE PL
LA JOLLA CA 92037-5328

HARTMAN THEODORE E & MARTHA
S
PO BOX 656
GARDEN VALLEY CA 95633

HENDERSON JOHN PAUL TR &
BEULAH WONG TR
2968 FOXTAIL CREEK AVE
HENSEN NV 89052-7070

HOPES TODD
6080 COPPA HEMBO LN
GARDEN VALLEY CA 95633

JACKSON SEAN DALTON TR
P O BOX 611
GARDEN VALLEY CA 95633

JACOBSON MIRANDA & CARLTON
DBA CJ CONSTRUCTION
5361 HACKOMILLER RD
GARDEN VALLEY CA 95633-9401

MCADAM BRUCE ALEXANDER TR &
DENISE LEA TR
5800 HACKOMILLER RD
GARDEN VALLEY CA 95633-9214

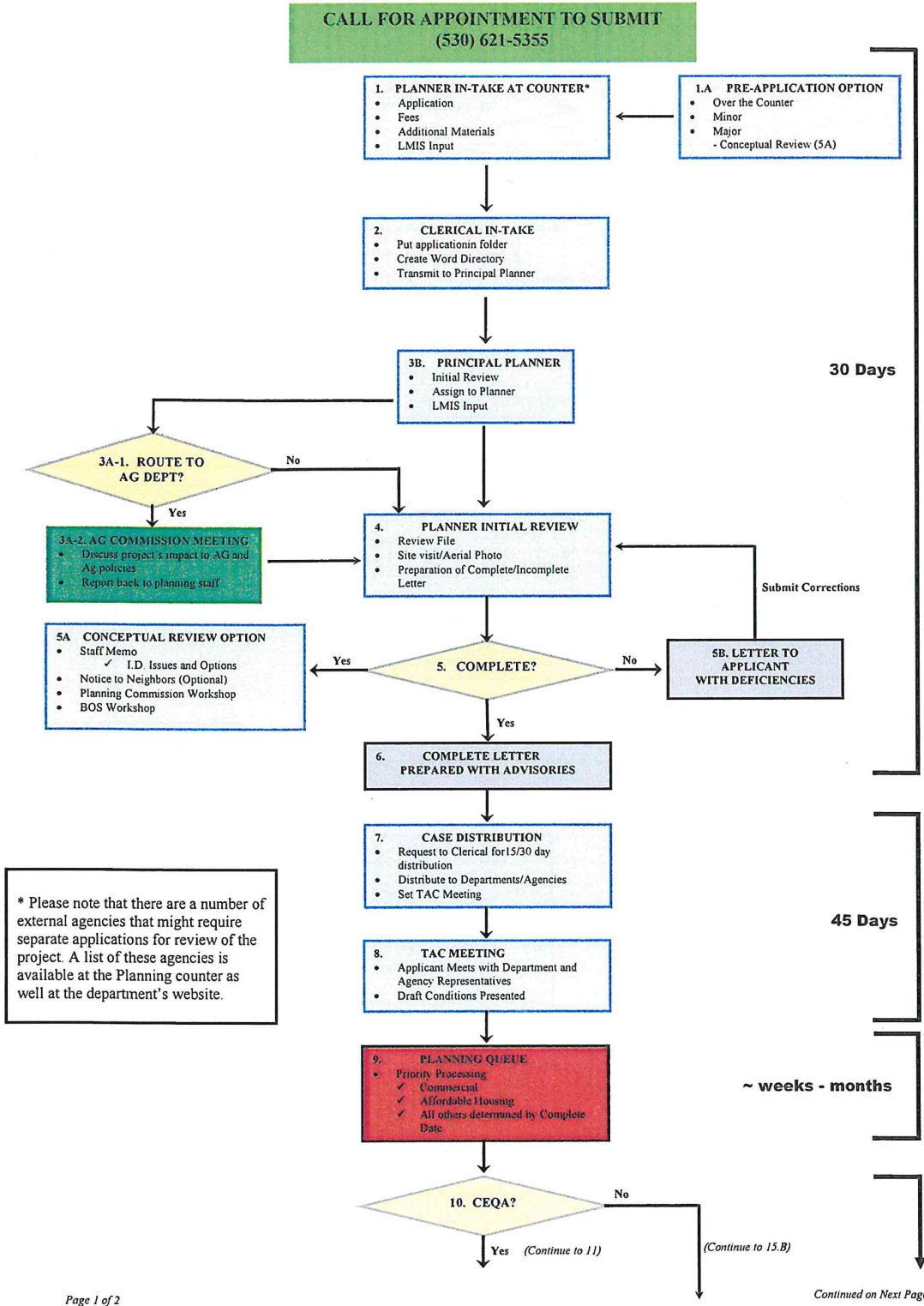
MOSIER ZACHARY
5233 HACKOMILLER RD
GARDEN VALLEY CA 95633

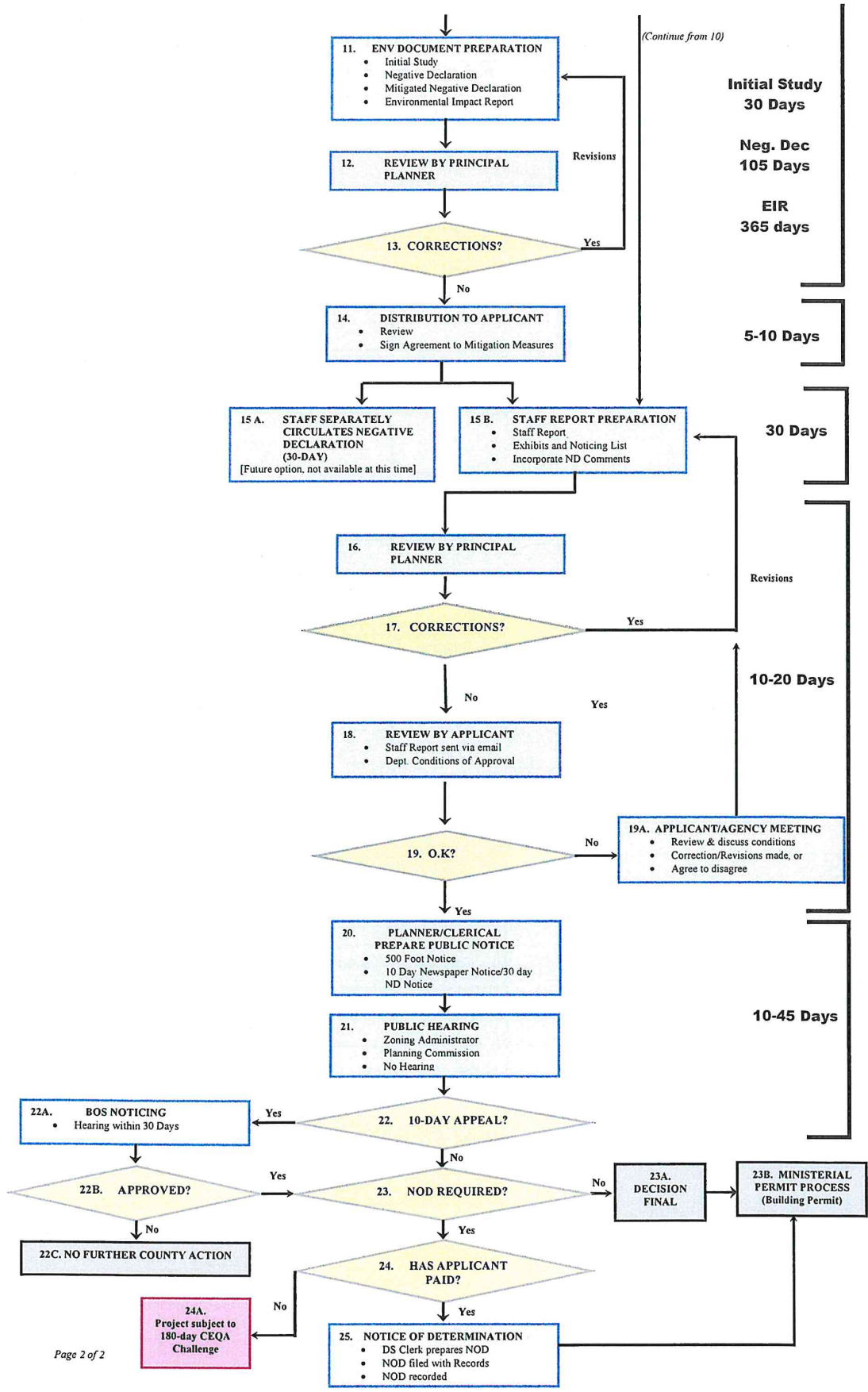
PISAREK LEVI R & KINNEY LAUREN C
6001 WATERWILLOW LN
GARDEN VALLEY CA 95633-9200

ROE JOHN ED TR & DANA
MARGARET TR
5700 HACKOMILLER RD
GARDEN VALLEY CA 95633-9213

SUASTEGUI FLORA
5304 SWEET BIRCH CT
SACRAMENTO CA 95842

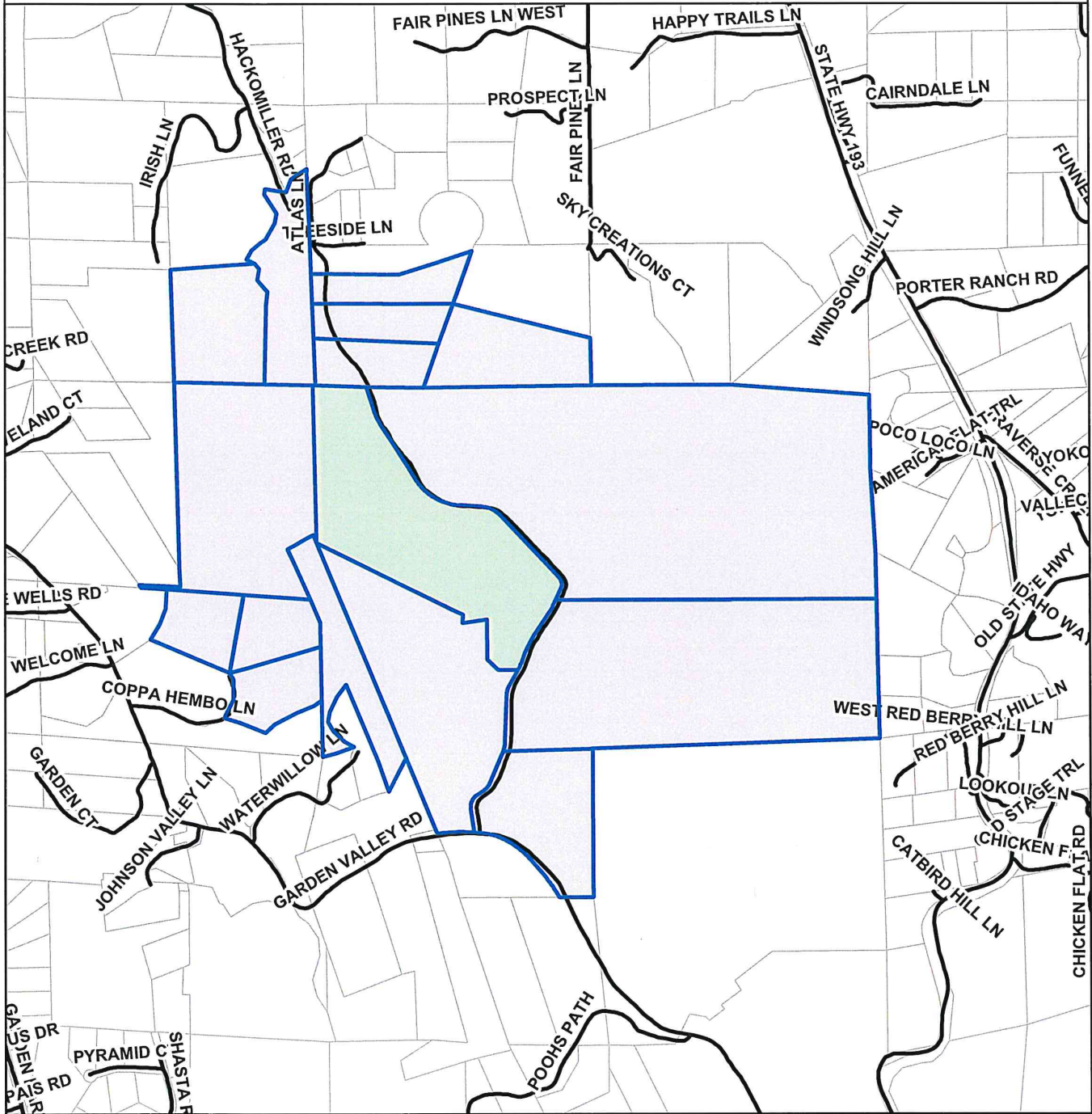
Planning Services Discretionary Review Process *(February 2009)*





Landrace Commercial Cannabis

1000 Ft. Notification



DISCLAIMER

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MAP PREPARED BY: LucAnne Mils DATE: November 27, 2018
 PROJECT ID: proj12345678
 EL DORADO COUNTY SURVEYOR, G.L.S. DIVISION
 PHONE (530) 621-6511 FAX (530) 626-8731

1000_f_t_Landrace
 Landrace
 Parcel Base
 Roads

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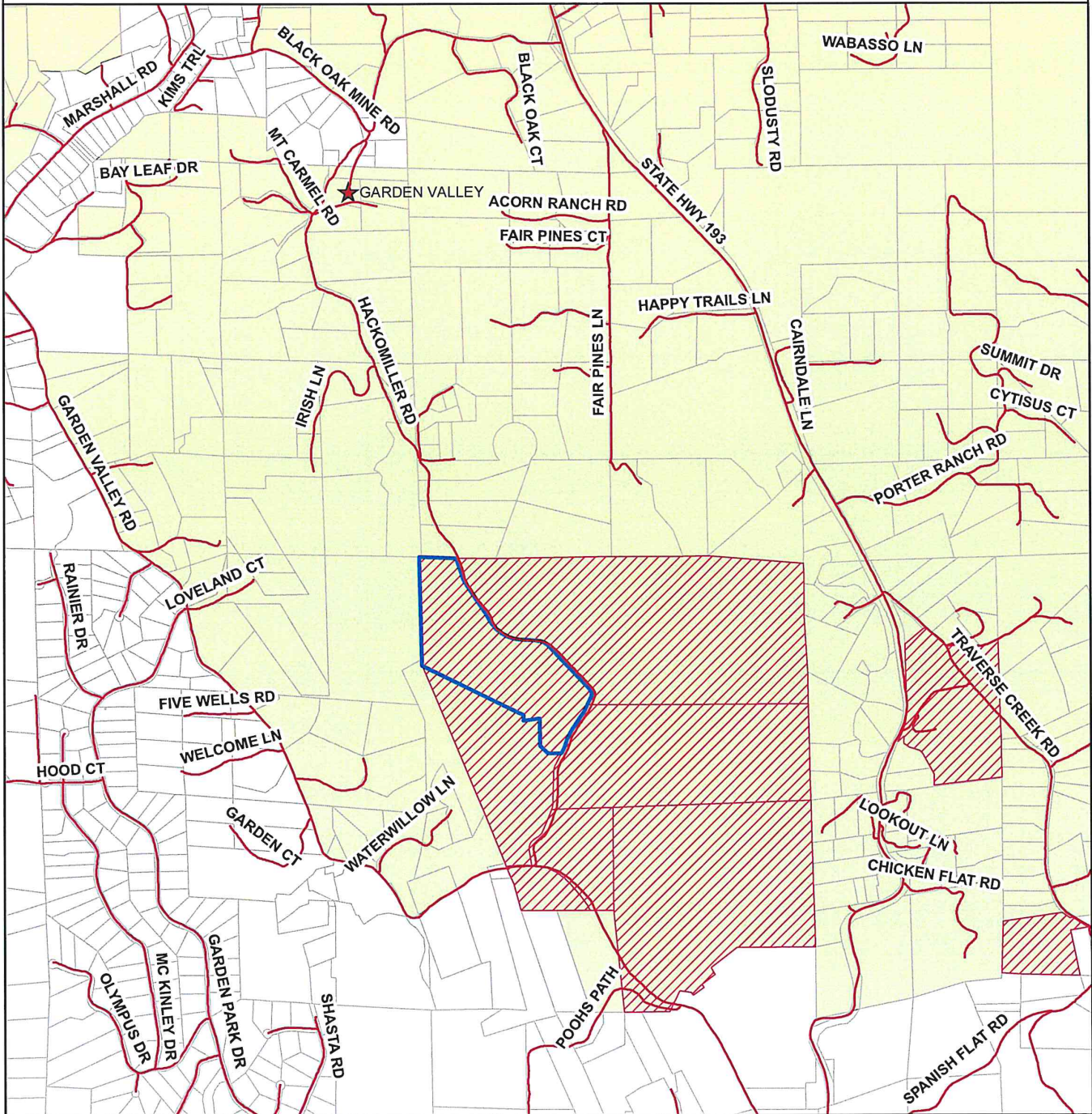
Map Displayed in State Plane Coordinate System (NAD 1 83 California zone 2, etc)



El Dorado County Agricultural Commission

Landrace Commercial Cannabis

Proximity to Agricultural District



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MAP PREPARED BY: LeeAnne Mida DATE: November 27, 2018
PROJECT ID: projJackson_p

EL DORADO COUNTY SURVEYOR/G.I.S. DIVISION
PHONE (930) 621-6511 FAX (930) 626-8731

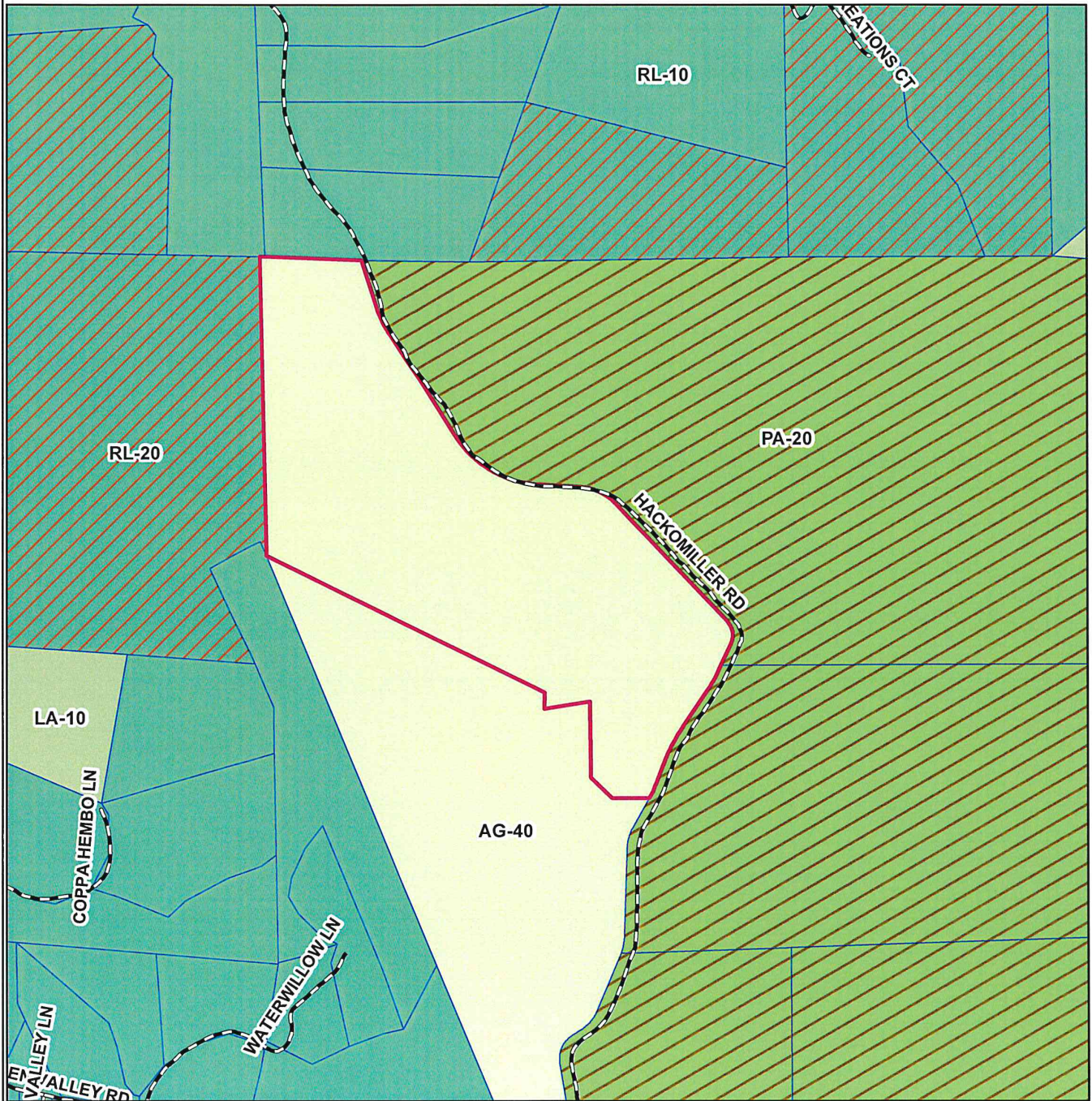
- Ag District
- Parcel Base
- Landrace
- Ag Preserves
- Major Roads



Map Displayed in State Plane Coordinate System (NAD 1983 California Zone 2, feet)

El Dorado County Agricultural Commission

Landrace Commercial Cannabis Zoning



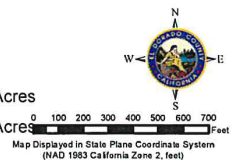
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MAP PREPARED BY: LeoAnac Mills DATE: November 27, 2018
PROJECT ID: projjackson_z

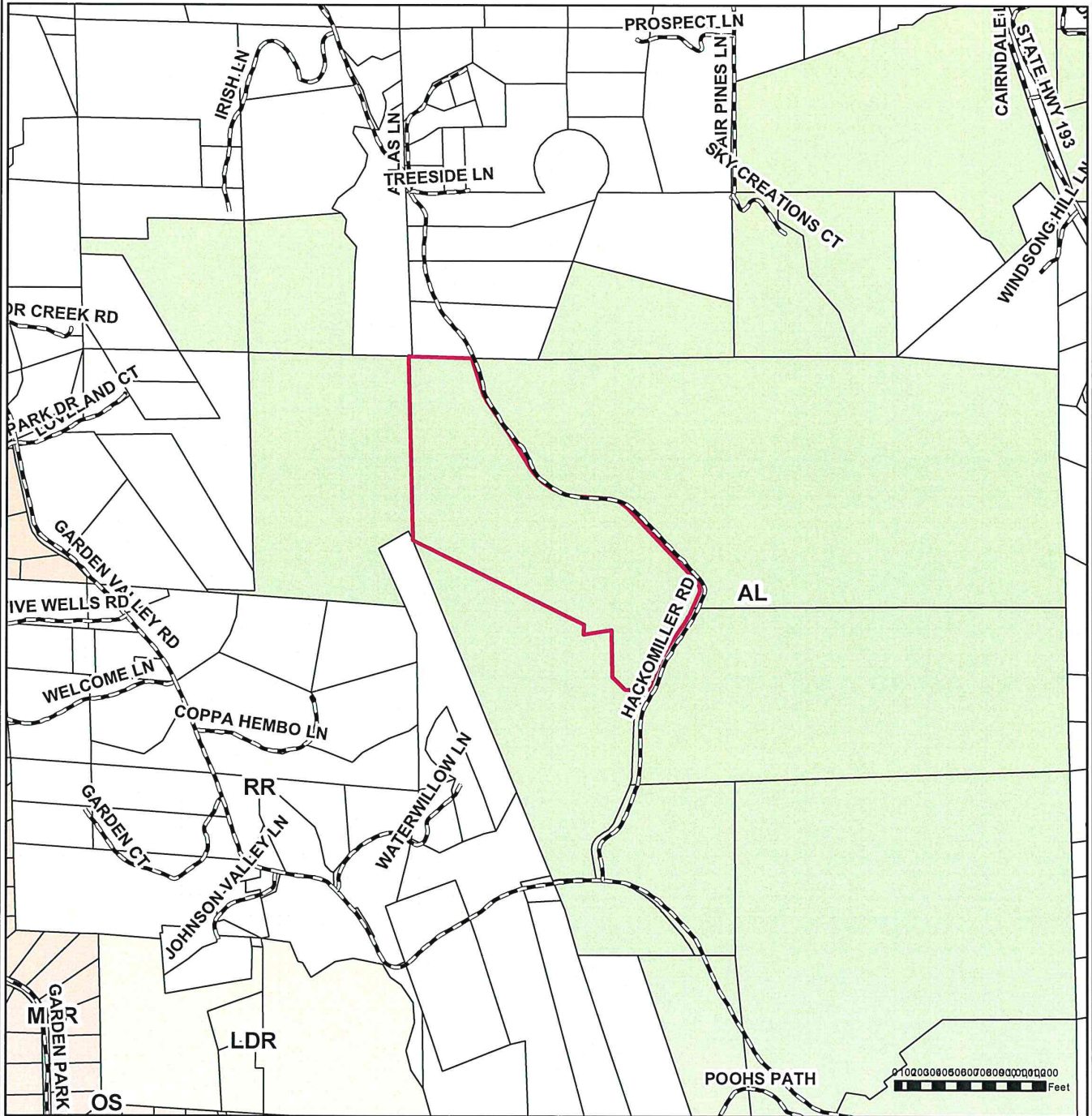
EL DORADO COUNTY SURVEYOR/G.I.S. DIVISION
PHONE (530) 621-6511 FAX (530) 626-4791

- Parcel Base
- Landrace
- Roads
- AG-40 = Agricultural Grazing 40 Acres
- LA-10 = Limited Agriculture 10 Acres
- PA-20 = Planned Agriculture 20 Acres
- RL-10 = Rural Land 10 Acres
- RL-20 = Rural Land 20 Acres



El Dorado County Agricultural Commission

Landrace Commercial Cannabis Land Use



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MAP PREPARED BY: LecAnne Mills DATE: November 27, 2018

PROJECT ID: p09jackson_1

EL DORADO COUNTY SURVEYOR/G.I.S. DIVISION
PHONE (530) 621-6511 FAX (530) 626-4731

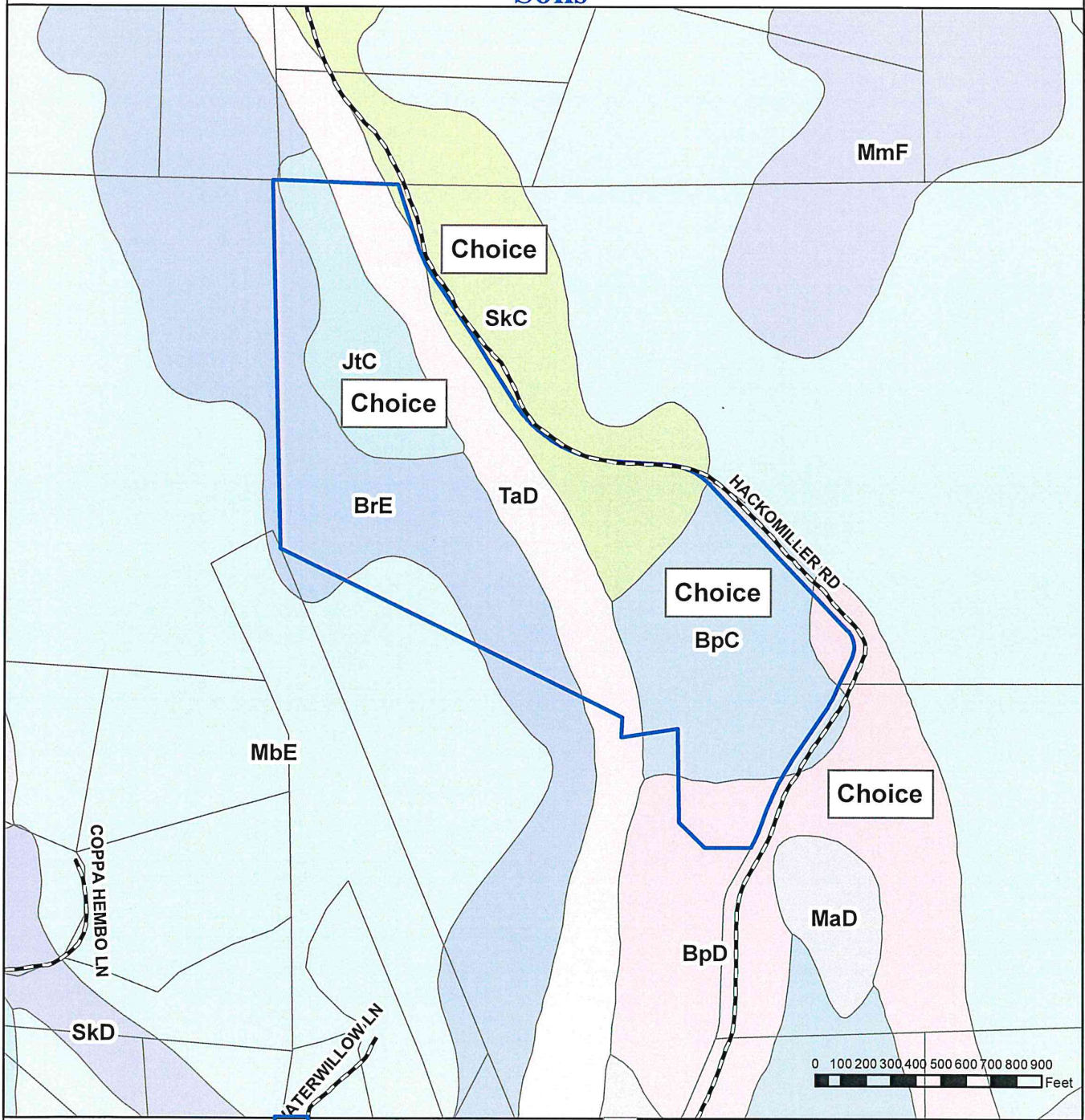
- Parcels
- Landrace
- Roads
- Agricultural Lands
- Low Density Residential
- Medium Density Residential
- Open Space
- Rural Residential

Map Displayed in State Plane Coordinate System
(NAD 1983 California Zone 2, feet)



El Dorado County Agricultural Commission

Landrace Commercial Cannabis Soils



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MAP PREPARED BY: LeeAnne Mila DATE: November 27, 2018

PROJECT ID: ppjJackson_9

EL DORADO COUNTY SURVEYOR/G.I.S. DIVISION
PHONE: (916) 621-6511 FAX: (916) 626-4771

Soils

- Boomer-Sites loams, 15 to 30 percent slopes
- Boomer-Sites loams, 9 to 15 percent slopes
- Boomer-Sites very rocky loams, 9 to 50 percent slopes
- Josephine silt loam, 5 to 15 percent slopes
- Mariposa gravely silt loam, 3 to 30 percent slopes

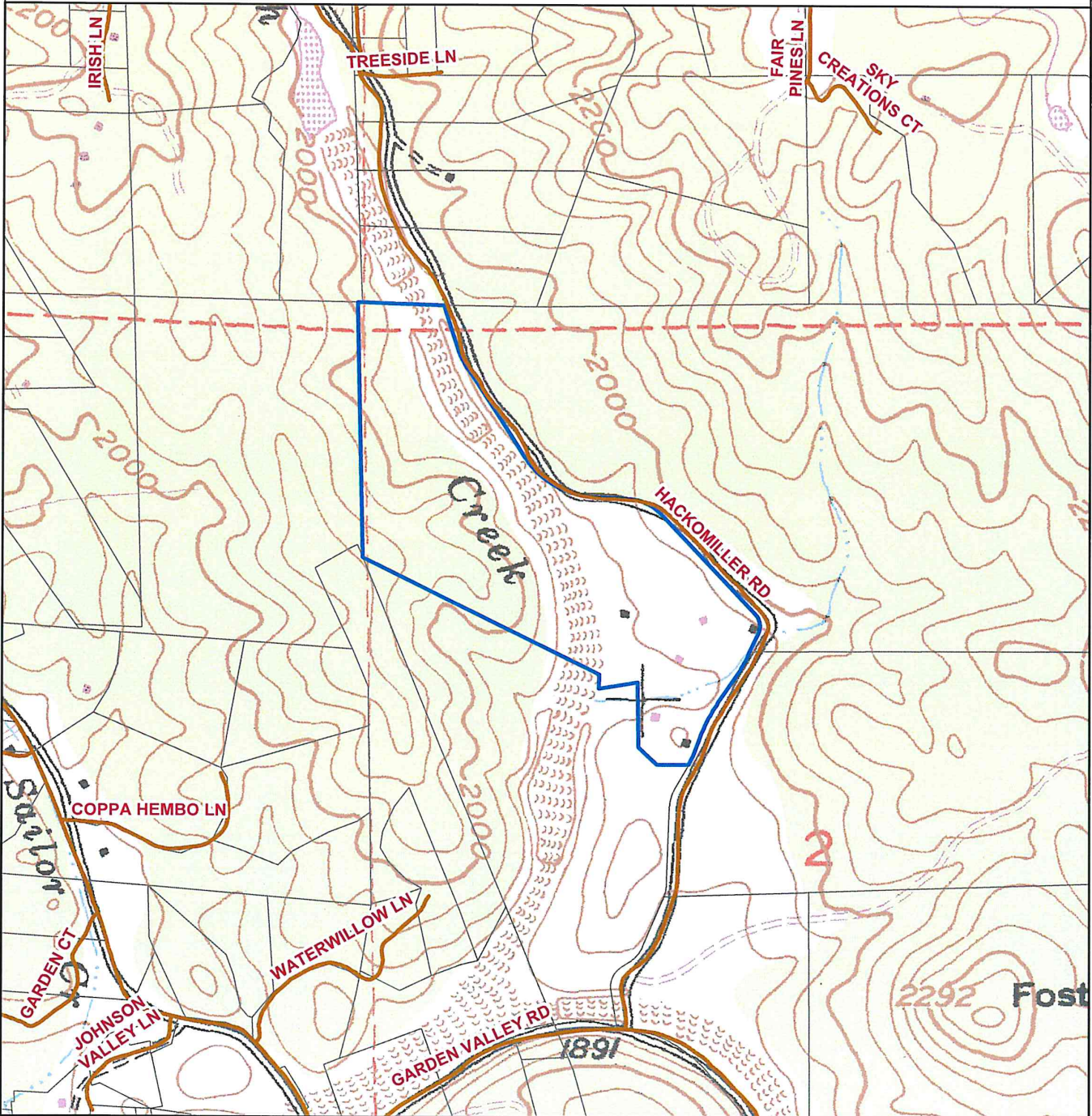
- Mariposa very rocky silt loam, 3 to 50 percent slopes
- Mariposa very rocky silt loam, 50 to 70 percent slopes
- Metamorphic rock land
- Sites loam, 15 to 30 percent slopes
- Sites loam, 9 to 15 percent slopes
- Tailings



Map Displayed in State Plane Coordinate System
(NAD 1983 California Zone 2, feet)

El Dorado County Agricultural Commission

Landrace Commercial Cannabis Topography



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MAP PREPARED BY: LeeAnne Mills DATE: November 27, 2018

PROJECT ID: projJackson_1

EL DORADO COUNTY SURVEYOR/G.I.S. DIVISION
PHONE (530) 621-6511 FAX (530) 626-8721

Legend

- curroads
- Parcels
- Landrace
- Roads



Map Displayed in State Plane Coordinate System (NAD 1983 California Zone 2, feet)



El Dorado County Agricultural Commission

Landrace Commercial Cannabis



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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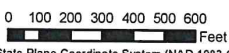
MAP PREPARED BY: LeeAnne Mba DATE: November 27, 2018

PROJECT ID: Jackson_a

EL DORADO COUNTY SURVEYOR/G.I.S. DIVISION
PHONE (530) 621-6311 FAX (530) 626-4731

Legend

- Parcel Base
- Landrace
- Roads



Map Displayed in State Plane Coordinate System (NAD 1983 California Zone 2, feet)

